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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,284	12/07/2005	Jurgen Bussert	20002P13797WOUS	8080
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EXAMINER BROWN JR, NATHAN H				
ART UNIT 2129		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/540,284

Applicant(s)

BUSSERT ET AL.

Examiner

NATHAN H. BROWN JR

Art Unit

2129

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23, 25-34 and 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23, 34, 36 and 38 is/are rejected.
- 7) ☒ Claim(s) 25-33, 37 and 39-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2010 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Examiner's Detailed Office Action

1. This Office Action is responsive to the communication for application 10/540,284, filed June 16, 2010.
2. Claims 21-23, 25-34, and 36-42 are pending. Claims 21, 34, 36-39 are currently amended. Claims 1-20, 24, and 35 have been cancelled. Claims 22, 23, 25-33, 40 are previously presented. Claims 41 and 42 are new.

IMPORTANT NOTE:

The indicated allowability of claims 24 and 38 are withdrawn in view of the newly discovered reference(s) to *Espinoza*, "A World Wide Web Based Presentation System For An Adaptive Help System", November 18, 1996. Rejections based on the newly cited reference(s) follow.

Specification

3. The abstract of the disclosure is objected to because it exceeds the 150 words requirement. Correction is required. See MPEP § 608.01(b).
4. The examiner acknowledges the applicant's submission of the amended drawings filed June 16, 2010. The drawings have been

reviewed and approved for content by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-23, 34, 36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by *Espinoza*, "A World Wide Web Based Presentation System For An Adaptive Help System", November 18, 1996.

Regarding claim 21, (currently amended) *Espinoza* teaches a help system (see §1.1 The PUSH project, "The PUSH system is a prototype for an adaptive help assistant") comprising:

a data processing device storing a first help facility, wherein the first help facility provides help data to a user on the basis of context data produced implicitly or explicitly by

the user, wherein the help data is stored in the first help facility (see 4.2.3 Distributed processing, Examiner interprets "the PUSH system...made up of" a "server" executing a "Prolog program that houses the knowledge base and the adaptive information, as well as functions for retrieving and assembling the data..." to comprise a data processing device storing a first help facility—see figure a, wherein the first help facility provides help data to a user on the basis of context data produced explicitly by user queries, wherein the help data is stored in the first help facility.); and

a non-volatile storage medium storing a second help facility accessed by the data processing device via the Internet such that the context data is adopted automatically in the second help facility (see 4.2.3 Distributed processing, Examiner interprets "the client" comprising the "Netscape Navigator web browser which is responsible for transmitting queries to the system and for rendering the results of the queries" to comprise a non-volatile storage medium storing a second help facility accessed by the data processing device via the Internet such that the context data is adopted automatically in the second help facility by the rendering process.), wherein the second help facility provides

additional online help data to the user on the basis of the context data, wherein the additional online help data is stored in the second help facility (see Figures d and e and §1.3 Method of work, "The PUSH interface features a graphical overview of the information space as a means for less experienced users to get an overview over the domain (figure e, see chapter 4). There is also a guide frame available, which lists the currently visible topics in a more condensed form...", Examiner interprets the "graphical overview of the information space" and the "guide frame...which lists the currently visible topics" to comprise additional online help data to the user on the basis of the context data (i.e., "the currently visible topics"), wherein the additional online help data is stored in the client in which the second help facility is running when the system is operable.),

wherein the additional online help data is visualized for the user in a display device together with the help data provided by the first help facility (see above, Examiner interprets the "graphical overview of the information space" and the "guide frame...which lists the currently visible topics" to be additional online help data visualized for the user in a display device of a client computer together with the help data provided by the first help facility.).

Regarding claim 22. (previously presented) *Espinoza* teaches the help system according to claim 21, wherein the first help facility is an application or a part of an application (see §3 The PUSH project, *Examiner interprets "the PUSH system" combined with the "more than 500 articles consisting of text and graphics" of the "SDP (System Development Process)" to be an application.*).

Regarding claim 23, (previously presented) *Espinoza* teaches the help system according to claim 21, wherein the context data are determined on the basis of search terms (see §4.1.2 Support for navigation, (3.), *Examiner interprets "all objects related to the current query as well as their relative positions" to be context data determined on the basis of the search terms of the query.*).

Regarding claim 34. (currently amended) *Espinoza* teaches an automation device, comprising: a help system (see §1.1 The PUSH project, "PUSH is an attempt to restructure the information

in" the "SDP...a huge on-line hypertext manual" and "to aid users in searching for information via an adaptive interface...which...is designed to change in response to the user's actions...to learn something about the user, in order to adjust itself to better serve the user", Examiner interprets *PUSH* executing on a computer on the web to be a device automating user access to information.) -according to the help system comprising:

a data processing device storing a first help facility, wherein the first help facility provides help data to a user on the basis of context data produced implicitly or explicitly by the user, wherein the help data is stored in the first help facility (see 4.2.3 Distributed processing, Examiner interprets "the *PUSH* system...made up of" a "server" executing a "Prolog program that houses the knowledge base and the adaptive information, as well as functions for retrieving and assembling the data..." to comprise a data processing device storing a first help facility—see figure a, wherein the first help facility provides help data to a user on the basis of context data produced explicitly by user queries, wherein the help data is stored in the first help facility.); and

a non-volatile medium storing a second help facility accessed by the data processing device via the Internet such that the context data is adopted automatically in the second help facility (see 4.2.3 Distributed processing, Examiner interprets "the client" comprising the "Netscape Navigator web browser which is responsible for transmitting queries to the system and for rendering the results of the queries" to comprise a non-volatile storage medium storing a second help facility accessed by the data processing device via the Internet such that the context data is adopted automatically in the second help facility by the rendering process.), wherein the second help facility provides additional online help data to the user on the basis of the context data (see Figures d and e and §1.3 Method of work, "The PUSH interface features a graphical overview of the information space as a means for less experienced users to get an overview over the domain (figure e, see chapter 4). There is also a guide frame available, which lists the currently visible topics in a more condensed form...", Examiner interprets the "graphical overview of the information space" and the "guide frame...which lists the currently visible topics" to comprise additional online help data to the user on the basis of the context data (i.e., "the currently visible topics"), wherein the additional online help data is stored in

the client in which the second help facility is running when the system is operable.),

wherein the additional online help data is stored in the second help wherein the additional online help data is visualized for the user in a display device together with the help data provided by the first help facility (see above, Examiner interprets the "graphical overview of the information space" and the "guide frame...which lists the currently visible topics" to be additional online help data visualized for the user in a display device of the client computer together with the help data provided by the first help facility.)

Regarding claim 38. (currently amended) Espinoza teaches a method for providing help data (see §1.1 The PUSH project, "The PUSH system is a prototype for an adaptive help assistant" which "deals with a development method for telecommunication applications called SDP (System Development Process)". Examiner interprets "an adaptive help assistant" dealing with "a development method" to comprise a method for providing help data.), the method comprising:

implicitly or explicitly defining context data regarding a first help facility by a user (see 4.2.3 Distributed processing, Examiner interprets "the PUSH system...made up of" a "server" executing a "Prolog program that houses the knowledge base and the adaptive information, as well as functions for retrieving and assembling the data..." to comprise a data processing device storing a first help facility—see figure a, wherein the first help facility provides help data to a user on the basis of context data produced explicitly by user queries, wherein the help data is stored in the first help facility.)e);

providing offline help data to the user, the offline help data being based on the context data, and wherein the offline help data is stored in the first help facility (see §3 The PUSH project, Examiner interprets the "SDP (System Development Process)...documented in more than 500 articles consisting of text and graphics" to be the offline help data being based on the context data (i.e. user query data), and wherein the offline help data is stored in the first help facility.),

automatically adopting the context data in a second help facility (see Figures d and e and §1.3 Method of work, Examiner interprets the "lists the currently visible topics" to be the result of automatically adopting the context data (i.e., "the

currently visible topics") in the client in which the second help facility is running when the system is operable.);

providing additional online help data to the user based on the context data by the second facility, wherein the additional online help data is stored in the second help facility (see above, Examiner interprets the "graphical overview of the information space" and the "guide frame...which lists the currently visible topics" to be additional online help data visualized to the user based on the context data by the second facility (i.e., the client), wherein which the additional online help data is stored in the second help facility.),

wherein the additional online help data provided by the second help facility is data is visualized for the user in a display device, together with a~ the offline help data provided by the first help facility (see §1.3 Method of work and §4.1.1 The parts of the interface, Examiner interprets the additional online help data provided by the second help facility to be visualized for the user in the graphics and guide frames of the browser display, displayed in a display device of the client computer. Examiner interprets the offline help data provided (after adaptation) by the first help facility (i.e., the server)

to be displayed in the text frame *the browser display, displayed in a display device of the client computer.*).

Regarding claim 36, (previously presented) *Espinoza* teaches the help system according to claim 21, wherein the context data are determined on the basis of search terms (*see §4.1.2 Support for navigation, (3.), Examiner interprets "all objects related to the current query as well as their relative positions" to be context data determined on the basis of the search terms of the query.*).

Allowable Subject Matter

7. Claims 25-33, 37 and 39-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

:IMPORTANT NOTE:

If the applicant should choose to rewrite the independent claims to include the limitations recited in either one of claims 25-33, 37, and 39-42, the applicant is encouraged to amend the **title of the invention** such that it is descriptive of the invention as claimed as required by sec. 606.01 of the MPEP.

Furthermore, the **Summary of the Invention** and the **Abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of **sec. 1302.01** of the **MPEP**.

As allowable subject matter has been indicated, applicant's response should either comply with all formal requirements or specifically traverse each requirement not complied with. See **37 C.F.R. § 1.111(b)** and **§ 707.07(a) of the M.P.E.P.**

Response to Arguments

8. Applicant's arguments filed June 16, 2010 have been fully considered.

Rejection of Claims 21-33 Under 35 U.S.C. §101

Applicant(s) argue(s):

Claims 21-33 are rejected under 35 U.S.C. 101 because these claims fail to be drawn to patent eligible subject matter. Applicant has amended independent claim 21 now reciting:

"...
a data processing device storing a first help facility
; and
a non-volatile storage medium storing a second help facility
wherein the additional online help data is visualized for the user in a display device together with the help data provided by the first help facility."

Support for these amendments may be found for example in paragraphs [0012], [0014] and [0018]. No new matter has been added.

Examiner finds applicant's arguments persuasive and withdraws the rejection to claims 21-22 under 35 U.S.C. 101.

Applicant(s) argue(s):

In the instant office action, the examiner indicated that claims 24-33 contain patentable subject matter and would be allowed if applicant overcomes the rejections under 35 U.S.C. 101 and if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten independent claim 21 in such a manner by including the limitations of claim 24 (now cancelled).

Further, the examiner indicated that claims 37-40 are objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten claim 38 in such a manner. Claims 36, 37 and 39 have been amended to depend on allowable claim 38.

Furthermore, applicant has amended independent claim 34 to include the limitations of allowable claim 21.

The Examiner emphasizes that during an update search of the prior art, the examiner found prior art that is considered materially relevant to the application. Consequently, the

Examiner finds applicant's amendments to have advanced the application toward allowance, however the required search before allowance has revealed non-patent literature not found during the previous search.

Applicant(s) argue(s):

New method claims 41 and 42 being dependent on claim 38 have been added. Support for these new claims may be found for example in paragraphs [0032] - [0034] of the specification.
No new matter has been added.

In view of the above, independent claims 21, 34 and 38 are patentable. Furthermore, claims 22, 23-33, which depend on claim 21, and claims 36-42, which depend on claim 38, are also patentable at least based on their dependence from claim 21 or 38 as well as based on their own merits. Therefore, applicant respectfully requests the examiner to withdraw the rejections.

Examiner is required to perform a search before allowance. The required search has produced prior art from the non-patent literature not found by the previous search terms drawn from the original claims that anticipates independent claims 21, 24, and 39. Accordingly, the examiner sincerely apologizes for any inconvenience that the delay in bringing this new prior art to the attention of the applicants may have caused. The present office action has been made non-final to provide the applicants the opportunity to properly address the newly cited prior art of

record.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan H. Brown, Jr. whose telephone number is 571-272- 8632. The examiner can normally be reached on M-F 1200-2000. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on 571-272-4201. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nathan H. Brown, Jr.
/Nathan H. Brown, Jr./
Examiner, Art Unit 2129
July 19, 2010

/Donald Sparks/
Supervisory Patent
Examiner, Art Unit 2129